

## **II. DRAWING AMENDMENTS**

With respect to the sheet of drawing presenting Fig. 2 and Fig. 6, please replace this sheet with the replacement sheet of drawing (identified as Replacement Sheet) enclosed herewith. The replacement sheet has corrections thereon providing labels to various blocks appearing in Figs. 2 and 6 to meet the requirements of the examiner in Point 1 of the Office Action.

## **V. REMARKS**

In the Office Action, correction of the drawings was required as set forth in Point 1 of the Action. A replacement sheet of drawing is provided with labels inserted to identify various blocks in Figs. 2 and 6, in order to meet the requirements of the examiner.

Correction was required of the Abstract, and is provided by this response.

Objection was made to claims 9-11 and 13, this objection being overcome by amendment of claims 9 (from which claims 10-11 depend) and 13.

Claims 1-11 were rejected under 35 U.S.C. 112 as being indefinite for reasons set forth in the Office Action. The indefinite language appears in the independent claims 1 and 9. The last paragraph in each of claims 1 and 9 is amended to clarify the indefinite language so as to overcome this ground of rejection. Also, indefinite language appearing in claim 6 is corrected by insertion of the identity of a passage in a document.

Claim 12 was rejected under 35 U.S.C. 102 as being anticipated by Kleider (US 6240282), and claim 13 was rejected under 35 U.S.C. 103 as being unpatentable over Kleider for reasons set forth in the Action. Claims 1, 3, 4, 7, 9 and 10 were rejected under 35 U.S.C. 103 as being unpatentable over Molinari (US 6308065) in view of DeJaco (US 6205130), claim 2 was rejected under 35 U.S.C. 103 as being unpatentable over Molinari in view

of DeJaco and Arunachalam (US 6631122), and claim 8 was rejected under 35 U.S.C. 103 as being unpatentable over Molinari in view of DeJaco and Su (US 6493665) for reasons set forth in the Action.

Allowable subject matter has been noted in claims 5, 6 and 11.

The following argument is presented to show the presence of allowable subject matter in the rejected claims.

Amended independent claim 1 includes the elements of the originally filed claims 1 and 2, thus specifying the method to include a stage, wherein a link adaptation process of the decoder is bypassed prior to transmitting at least the part of the inband data back to the testing apparatus. A corresponding amendment has been made in the independent claims 9 and 12. Claim 2 is cancelled in view of the inclusion of its subject matter in amended claim 1.

The feature of bypassing a link adaptation process of the decoder in amended claims 1, 9 and 12 is disclosed in the original claim 2 and in the specification on page 10, lines 30 - 31 and page 11, lines 9 -34. The GSM standard 04.14 referred in amended claim 6 is disclosed on page 8, lines 33 - 36. Thus, all features of amended claims 1, 6, 9 and 12 are disclosed in the application as filed.

As noted above, the Examiner has rejected claim 2 under 35 U.S.C. 103(a) as being obvious over the combination of Molinari, DeJaco and Arunachalam.

With respect to the rejection of claim 2 on the combination of the teachings of Molinari, DeJaco, and Arunachalam, and the inclusion of the subject matter of claim 2 by this amendment into the independent claims 1, 9 and 12, the following is noted. Molinari discloses an apparatus for testing cellular base stations. The testing apparatus is connected in parallel with a base station, namely, on the RF interface and on the Abis interface. A test signal is transmitted via the RF interface to the base station, wherein the test data is decoded according to normal procedures. The output of the base station is received in the testing apparatus and compared to the transmitted test data.

DeJaco relates to speech processing and a detecting of bad data packets by decoding received speech parameters and comparing the resulting speech parameters to acceptable ranges. If the decoded speech parameters do not lie within acceptable error ranges, they are discarded.

Arunachalam relates managing the end-to-end QoS on an IP network utilizing wireless access. Arunachalam only mentions briefly a link adaptation process, but there is no suggestion that the link adaptation process should be bypassed as called for in claim 2. The examiner, in Page 7 of the Action at line 6, mentions the link adaptation process, and at line 10 states that it would be obvious to bypass the function of the link adaptation process in the practice of the present invention. The subject matter of claim 2 is a significant aspect of the present invention and, accordingly, it is urged that the applicant is entitled to view such literature as may form the basis for the examiner's opinion of obviousness.

Furthermore, Arunachalam does not relate to any testing arrangement; thus a skilled man has no motivation to look for this reference, and even less motivation to combine it with Molinari. However, even if combined, the combination of these documents does not teach one to bypass the link adaptation process in connection with a decoding testing procedure.

With respect to the rejection of claim 12 over Kleider, Kleider discloses a non-linear signal classifier for classifying communication signals received from a communication channel. The received signals are analyzed in a scoring unit and in a selection unit, and then compared to signal classification models stored in a memory.

It is respectfully urged that, contrary to the Examiner's assertions, Kleider does not disclose the following features (missing features underlined): A mobile station, comprising a receiver for receiving test data comprising channel coded parameters and inband data from a testing apparatus, a decoder for decoding the test data, extracting means for extracting at least part of the inband data from the decoded test data, controlling means for controlling a link adaptation process of the decoder to be bypassed, and a transmitter for transmitting at least a part of the inband data back to the testing apparatus.

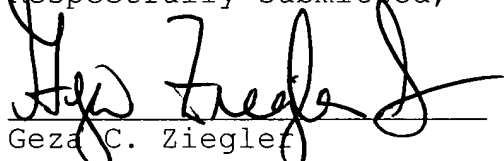
Even if combined with Arunachalam, Kleider would not teach a skilled man to bypass the link adaptation process in connection with a decoding testing procedure, for the same reasons as stated above.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are

clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
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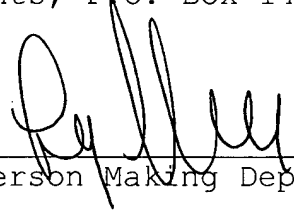
26 OCTOBER 2005  
Date

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